

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

NOTICE OF HEARING AND MOTION FOR APPROVAL OF SETTLEMENT

To: Parties specified in Local Rule 9013-3.

1. Randall L. Seaver, Trustee of the Bankruptcy Estate of Dennis E. Hecker ("**Trustee**"), moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 2:00 p.m. on April 20, 2011 Courtroom No. 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 or as soon thereafter as counsel can be heard.

3. Any response to this motion must be filed and delivered no later than April 15, 2011 which is five (5) days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Rule 5005 of the Federal Rules of Bankruptcy Procedure, and Local Rule 1070-1. This is a core proceeding under 28 U.S.C. §157(b)(2)(A). This case was commenced as a voluntary Chapter 7 case on June 4, 2009. The case is now pending before this Court.

5. This Motion arises under Bankruptcy Rules 2002(a)(3) and 9019(a) and Local Bankruptcy Rules 9006-1(e) and 9013-5. The Trustee seeks approval to enter into a settlement with

Gene Winstead or his assigns relating to the Trustee's prior settlement with Ike's, LLC and Carl Berhard Isaacson, II (collectively, "**Ike's**").

6. On January 27, 2001, the Court approved a settlement with Ike's which would have resulted in the bankruptcy estate receiving \$218,000.00 over time. The payment to the estate was, essentially, contingent upon Ike's ability to pay and the strength of Mr. Isaacson's guaranty.

7. Mr. Winstead, a minority owner in Ike's, LLC, has established to the Trustee's satisfaction that without a substantial reduction and settlement of the debt owed to the estate and of other debts owed by Ike's, Ike's would be unable to honor its agreement with the estate and could fail.

8. Mr. Winstead has offered to pay the estate the immediate sum of \$109,000.00 to resolve the estate's claims against Ike's.

9. Based on the Trustee's investigation of Mr. Isaacson's and Ike's assets and liabilities, he believes that this settlement is in the best interest of the bankruptcy estate and its creditors.

10. An e-mail from Mr. Winstead agreeing to pay \$109,000.00 is attached hereto as Exhibit A.

11. The Trustee gives notice that he or Mr. Winstead may testify at the hearing of this matter.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order approving the settlement detailed herein and grant such other and further relief as the Court may deem just and equitable.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: March 23, 2011

By _____
Matthew R. Burton, #210018
Attorneys for Randall L. Seaver, Trustee
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, Trustee of the Bankruptcy Estate of Dennis E. Hecker, the moving party named in the foregoing Notice of Hearing and Motion for Approval of Settlement and Sale, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: March 23, 2011

/e/ Randall L. Seaver

Randall L. Seaver, Trustee

436270

[REDACTED] - Re: Hecker/Ike's

From: "Winstead, Gene" <GWinstead@[REDACTED]>
To: "'MBurton@losgs.com'" <MBurton@losgs.com>
Date: 3/21/2011 4:56 PM
Subject: Re: Hecker/Ike's
CC: [REDACTED]

Mr Burton

I acknowledge the email and is correct.

Gene Winstead

[REDACTED]
[REDACTED]
[REDACTED]

From: Matthew Burton [mailto:MBurton@losgs.com]
Sent: Monday, March 21, 2011 03:14 PM
To: Winstead, Gene
Subject: Hecker/Ike's

Gene -

This email is to confirm your agreement to pay \$109,000 to resolve the bankruptcy estate's settlement with Ike's, LLC and Mr. Isaacson. You acknowledge that the settlement is subject to bankruptcy court approval. Further, you have agreed to pay the \$109,000 next week to "Randall L. Seaver, Trustee" with the payment delivered to my attention.

With your acknowledgment, which we will attach to our motion, we will proceed with obtaining court approval.

Please advise.

Matthew R. Burton
Leonard, O'Brien, Spencer, Gale & Sayre, Ltd.
100 S. 5th St., Ste. 2500
Minneapolis, MN 55402

(612) 332-1030 (work)
(612) 455-3929 (fax)

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 09-50779

In re:

Chapter 7

Dennis E. Hecker,

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2011, I caused the following documents:

Notice of Hearing and Motion for Approval of Settlement and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

SEE ATTACHED SERVICE LIST

/e/ Stephanie Wood

Dated: March 23, 2011

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

UNITED STATES RENT A CAR
4744 PARADISE ROAD
LAS VEGAS, NV 89121

ACE INSURANCE COMPANY
P.O. BOX 294836
CLEVELAND OH 44101

ALDRIDGE, DAN
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MINNEAPOLIS MN 55405

ALLEN EIDE
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GRAND FORKS ND 58201

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MENDOTA HEIGHTS MN 55120

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BAXTER MN 56425

ANCHOR BANK
1570 CONCORDIA AVE
SAINT PAUL MN 55104

ANCHOR BANK
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164 LAKE FRONT DR
COCKEYSVILLE MD 21030

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AXLE CAPITAL, LLC / SAGECREST
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GREENWICH CT 06830

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55368

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SOUTH ST. PAUL MN 55075

BRIGGS & MORGAN PA
2200 IDS CENTER
80 SOUTH EIGHTH STREET
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SACRAMENTO CA 94279-7072

CA DEPT OF MOTOR VEHICLES
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SACRAMENTO CA 94269-0001

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WAYZATA MN 55391

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ENGLEWOOD CO 80111-4979

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130 S. GALENA ST.
ASPEN CO 81611

CITY OF BAYPORT
294 N. 3RD STREET
BAYPORT MN 55003

CITY OF MEDINA
2052 CO RD 24
HAMEL MN 55340

COMMUNITY NATIONAL BANK
845 EAST COUNTY ROAD E
VADNAIS HEIGHTS MN 55127

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23624 SMILEY ROAD
NISSWA, MN 56468

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P.O. BOX 69
TWO HARBORS MN 55616

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FARGO, ND 58104

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CROSSLAKE MN 56442

CROW WING COUNTY
TREASURER
JUDICIAL CENTER
213 LAUREL ST
BRainerd MN 56401

DEERWOOD BANK
611 WASHINGTON STREET NE
BRainerd MN 56401-3377

DON GILBERT
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HUDSON WI 54016

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EXXONMOBILE OIL
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ATTN JENNIFER FRASER
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11614 ECHO BAY DRIVE
CROSSLAKE MN 56442

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GARLICK STETLER & SKRIVIAN
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1415 WEST 22ND STREET, #600
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GE CAPITAL, FLEET SERVICES
3 CAPITAL DRIVE
EDEN PRAIRIE MN 55344

GELCO CORPORATION
THREE CAPITAL DRIVE
ATTN: GENERAL COUNSEL
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GMAC MORTGAGE
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ORLAND PARK IL 60462

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13755 - 84TH PL N
MAPLE GROVE MN 55369

HENNEPIN COUNTY TREASURER
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A600 GOVERNMENT CNT
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HOLY CROSS ENERGY
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GLENWOOD SPRINGS CO 81602

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STE 300
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HSBC BANK NEVADA NA
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

ORDER

The above matter came before the court on the trustee's motion for approval of settlement.

Based upon all the files, records and proceedings herein, and the court being fully advised in the premises,

IT IS ORDERED:

1. The trustee's settlement with Gene Winstead or his assigns is hereby approved.

Dated: _____

United States Bankruptcy Court Judge